

The New Castle City's Planning Commission Meeting took place on September 24, 2007 at 6:30 p.m. in the City of New Castle's Town Hall.

Members Present: Dr. Jack Norsworthy, Chair
Jim Steele, Co-Chair
George Freebery
David Bird
Elliott Tatum
Joe DiAngelo
Bill Simpson

Staff Present: Douglas Lloyd, City Planner

City Council: John Gaworski

Mr. Steele called the meeting to order at 6:30 p.m. Roll call was taken.

Approval of Minutes – Mr. DiAngelo noted that there are two 'Adjournment' paragraphs on the last page. **Mr. Steele made a motion to accept the minutes as amended; Mr. Tatum seconded the motion. The motion was unanimously passed.**

F. DeAscanis – Subdivide 21-0014.00-175 & 178 and add to 179 & 178 (McIntire Drive and Washington Street Properties) – No one was present representing the applicant. Mr. Bergstrom said Mr. DeAscanis is reconfiguring lot lines and the application is being presented tonight for preliminary review and public comment. It would be on next month's agenda for vote. Drawings were reviewed by Commission members. No new lots are being created. Mr. Bergstrom reviewed the drawings and intent of the application with Commission members. Mr. DiAngelo is interested in knowing the purpose for the application. Mr. Lloyd said the plan has been reviewed by the City Engineer and there is correspondence to that effect. There may be some minor changes to the plan based on the engineer's letter. If plans are updated copies will be made available to Commission members for review along with emailed copies of the engineer's letter.

R. M. Williams – Subdivide 21-014.00-243 & 244 into 8 lots – Mr. Jeff Williams of Kercher Engineering represented the applicant and provided an overview for a proposed 8-lot major subdivision on 801 and 811 Gray Street. (*Discussion about the location of the property took place.*) They are proposing to demolish everything on the site including the existing curb along Ninth Street and along School Street. No debris will be buried on the site. They are looking to improve School Street to a width of 18 feet and extend it back to where the proposed lots are, thus allowing the three lots in the back to have access to the roadway. Plans include replacing curbing and match it in kind with curbing taking place with Ninth Street improvements. They will also look at improving curbing on the opposite side of School Street and including handicapped ramps. They plan on replacing the existing sidewalk that runs along Ninth Street with a 6-foot wide sidewalk and run the sidewalk around the corner and down School Street so the lots in the rear (lots 6,7,8) will have access. That sidewalk will be 5-feet wide. They are

proposing five lots along Ninth Street which are in line with the code, proper setbacks and lot areas. Also, at the city's recommendation, rear-entry garages are proposed to keep the city streetscape in mind. Rear access driveways of 18-feet wide will be incorporated. For the three rear lots we propose front-entry garages because of the wetlands behind those lots. They are promoting doing a low-impact development in the area. They will try to handle as much storm water through green technology and best management practices using grass that will be planted and filter out sediment before directing storm water run-off into the wetlands. The site will be raised so all the lots will be above the hundred-foot flood plain and will be graded as such. Adjacent property owners will be contacted about a defined ditch that the applicant is going to ask to maintain for storm water run-off into the wetlands. Mr. Steele asked if they intend to dedicate the street to the city. Mr. Williams informed that the city asked that the street not be dedicated; it will be part of the open space. Anything not included in the lot we want to dedicate as open space and the homeowners' maintenance association would then maintain the roadway, the wetlands and other areas (as he indicated on the map). Proper language will be incorporated in the maintenance agreement so that if the homeowner's do not maintain, the city can then do so and charge accordingly. The units will be 20 feet wide by 40 feet deep. Garages are single-car and driveways will be shared. *(Discussion about plans for the wetlands on the property and parking concerns followed.)* This plan has been sent to City Engineer David Athey who has made comments and the applicant has addressed those comments. A revised plan has been developed and will be provided to Commission members. This project is a major sub-division and will appear again next month before the Planning Commission. Parking concerns and how they impact the areas were reiterated by Mr. Bird. He suggested attaching recommendations concerning parking as a condition of approval. Mr. DiAngelo asked if the applicant had gone before the Board of Adjustment. Mr. Bergstrom confirmed they had appeared and the applicant had withdrawn the first part of the appeal dealing with lot area. He feels the Board of Adjustment felt the lot could be developed in compliance with the code. *(Additional concerns were related to the applicant about water problems and drainage in the area and lengthy discussion followed. Discussion included grading of the property.)* Mr. Williams informed their storm water plan has not been submitted to the Conservation District; they are waiting to receive plan approval from the city.

CPR Construction-Subdivide 21-001.00-013 & 21-002.00-020 to Create 6 Parcels (Buttonwood Avenue between New Castle Avenue and Route 9) – Mr. Bergstrom used the plans distributed to Commission members to describe the project and answered questions presented by Commission members. *(Dr. Norsworthy read aloud a comment letter received by the city engineer.)* Mr. Bird noted a vacant property at the end and he is concerned that a variance may be requested in the future for the smaller portion of the lot. *(Discussion about lot size and size of houses to be built followed.)* The developer is not present, therefore, Dr. Norsworthy suggested tabling this issue to allow Commission members time to look at the property and allow the developer to answer their concerns.

Discussion on Comprehensive Plan Updates & Review – Dr. Norsworthy received an email from Cathie Thomas about the plan. He is concerned that URS' proposal has been slightly dictated by city proceedings rather than doing a standard comprehensive plan review and review by PLUS seems unnecessary. We have done comprehensive plan reviews in the past and know what needs to be done and he doesn't see any need to waste time and money. Mr. Lloyd indicated that URS shares the Commission's concerns about the new procedure. A meeting with PLUS would not be scheduled until 10/31/07 and their response would take a month longer before we could even begin our review.

Dr. Norsworthy said it is a good process for those who are on their timetable but we are not on our timetable for getting the comprehensive plan done for a number of reasons. He spoke to Ms. Thomas and expressed his concerns but she indicated the city would move forward with the new procedure without having any meetings to discuss. He also feels that updating of the comprehensive plan is a Planning Commission duty. Mr. Simpson suggested having URS meet with the State person who indicated our plan is not acceptable and learn how that conclusion was made. Mr. Bird said it appears as though we are being pushed into the new process and we should inform them (State) what we want to do and see if it meets with State requirements. Mr. Lloyd noted there was a 9-page checklist attached to the email which is applicable for new applicants and he is confused as to why we received it. City Council passed a resolution supporting URS' procedure and he is disturbed by language in the letter giving him the impression that the State Planning Office thought we were focusing only on the action plan and not the comprehensive plan itself. He feels the action plan is the implementation of the comprehensive plan. Mr. Bird suggested meeting with Mr. Herb Inden of the State Planning Office immediately to get clarification. Commission members and Ms. Thomas would be included. Mr. Steele reminded Commission members that Mr. Inden is familiar with our plan and has used it as an example for other municipalities in Delaware.

Mr. Simpson made a motion to direct URS to schedule a meeting with Mr. Inden and have that meeting audited by any member of the Planning Commission who would like to attend. Mr. Bird seconded the motion.

Mr. Gaworski asked if the City Administrator and City Council members would be invited. **Mr. Simpson amended his motion to open the meeting to the City Administrator and members of Council. Mr. Bird seconded the motion.**

(Discussion about the number of members to invite took place; if more than three members it constitutes a quorum and is a meeting.) **Mr. Simpson changed the number of Council members to no more than two.**

Mr. DiAngelo said he does not understand why PLUS is involved in this process. Mr. Bird added that his concern is that this may lead the groundwork for future comprehensive plans needing to be approved by PLUS. Mr. DiAngelo said the city has a Memorandum of Understanding with PLUS that deals with land use and has nothing to do with comprehensive plans. Mr. Lloyd reiterated his concern that this process could be the governing factor and could set the scope of work. He will try to schedule a meeting within the next week to 10 days.

Mr. Simpson withdrew both of his previous motions and moved to direct URS to meet with Herb Inden with the State of Delaware to discuss the matter of why our URS proposal did not seem to meet State requirements and further to find out what we need to do to make it meet State requirements and allow that meeting to be open and be audited by members of the Planning Commission, City Administrator and no more than two members of City Council. Mr. Bird seconded the motion. The motion was passed by unanimous vote.

Budget Review – Dr. Norsworthy reported that there have been no charges paid out of our budget to date.

Planning Checklist Review – Messrs. Bergstrom and Lloyd have reviewed the checklist and no changes were made. Dr. Norsworthy suggested it be emailed to the city office for their review and/or input. He will inform Ms. Thomas that the checklist is being sent to their office.

General Discussion – Mr. Steele is very concerned with the lack of parking in the area of the R. M. Williams sub-division. Drainage issues were also revisited. (*Discussion followed.*) Mr. Simpson will follow up with Sen. Dori Conner about drainage problems.

Adjournment – **Mr. Steele made a motion to adjourn the meeting; Mr. Bird seconded the motion which passed by unanimous vote.** The meeting was adjourned at 8:30 p.m.

Next Meeting -- Our next meeting is scheduled for October 22, 2007.

Respectfully submitted,

Debbie Turner
Stenographer